

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

Jesha Donaldson Miller,

Plaintiff,

v.

Case No. 21-12705

United States of America, Major General  
Sherrie McCandless, and Governor Kathy  
Hochul,

Honorable Sean F. Cox

Defendants.

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**ORDER**  
**GRANTING APPLICATION TO PROCEED *IN FORMA PAUPERIS***  
**AND DISMISSING COMPLAINT FOR FAILURE TO STATE A CLAIM**

Acting *pro se*, Plaintiff Jesha Donaldson Miller (“Miller”) filed this action against Defendants the United States of America, Major General Sherrie McCandless, and Governor Kathy Hochul. Along with the Complaint in this action, Miller filed an application to proceed *in forma pauperis*.

Indigent litigants may request a waiver of filing fees under 28 U.S.C. § 1915. Having reviewed Miller’s application to proceed *in forma pauperis*, this Court hereby **GRANTS** that application.

Because Miller is proceeding *in forma pauperis*, the applicable statute requires this Court to dismiss this case, at any time, if it fails to state a claim upon which relief may be granted. *See* 28 U.S.C. § 1915(b)(2) (“the court shall dismiss the case at any time if the court determines that” the action “fails to state a claim on which relief may be granted.”). In addition, even where a plaintiff has paid the filing fee, “a district court may, at any time, *sua sponte* dismiss a complaint

for lack of subject matter jurisdiction pursuant to Rule 12(b)(1) of the Federal Rules of Civil Procedure when the allegations of a complaint are totally implausible, attenuated, unsubstantial, frivolous, devoid of merit, or no longer open to discussion.” *Apple v. Glenn*, 183 F.3d. 477, 479 (6th Cir. 1999).

Although this Court is mindful that *pro se* complaints must be liberally construed, the Court concludes that even when so construed, Miller’s complaint fails to state a claim upon which relief may be granted. For the most part, Miller’s complaint consists of an incoherent stream of words and legal phrases. Even with a liberal reading of the allegations in Miller’s complaint, this Court is unable to discern any cognizable claim against Defendants.

Accordingly, **IT IS ORDERED** that this action is **DISMISSED** for failure to state a claim, pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) and Fed. R. Civ. P. 12(b)(1).

**IT IS FURTHER ORDERED** that any appeal in this matter would not be taken in good faith.

**IT IS SO ORDERED.**

s/Sean F. Cox

Sean F. Cox

United States District Judge

Dated: November 30, 2021